

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

IN RE:) CHAPTER 13
SARALYN PACE)
Debtor(s).) CASE NO. 17-31540-DHW-13
)

OBJECTION TO CONFIRMATION

Now comes REGIONAL ACCEPTANCE CORP., by its attorneys, Chambless Math ❖ Carr, P.C., and objects to confirmation of the Debtor's proposed plan and in support thereof states as follows:

1. This creditor filed a claim in the amount of \$15,027.54 which is secured by one 2014 CHEVROLET CRUZE purchased within 910 days of the date of filing.
2. The plan proposes to value the collateral at \$10,800.00 with interest at 5%, a specified monthly payment of \$286.67 and adequate protection payment of \$108.00.
3. The plan impermissibly attempts to bifurcate and cram down the secured claim of this creditor in violation of 11 U.S.C. Sections 1325(a)(5) and 506.
4. The collateral securing the debts of the creditor is grossly undervalued and/or the specified monthly payment is insufficient to provide this creditor with adequate protection against depreciation of its interest over the term of the plan. Although this creditor's claim is a "910" claim and must be paid as secured in full, a proper valuation is necessary to determine an appropriate adequate protection payment amount. The NADA retail value is \$11,450.00.
5. The plan fails to provide an appropriate risk adjusted interest rate to be paid on the secured claim of this creditor as required by 11 U.S.C. Section 1325(a)(5)(B)(ii). The plan proposes to pay interest on this creditor's claim at a rate of 5%. Willie F. Pace, Jr. is the co-maker on the contract and co-owner on the title to the vehicle. Unless the claim is paid in full at

contract rate of interest, this creditor will not be obligated to release its title upon discharge. The appropriate rate of interest is the contract rate of 18.95%.

6. The plan is not feasible. The specified payment for this Creditor is insufficient to pay the secured claim of this creditor over the term of the plan. The plan fails to meet the requirements of 11 U.S.C. Section 1325(a)(6). To pay this creditor's claim in full as secured with the contract rate of interest, the specified monthly payment would need to be approximately \$436.00.

7. The plan fails to provide an appropriate adequate protection payment amount. The plan proposes to pay \$108.00 per month as adequate protection. An appropriate adequate protection payment amount should be 1% of the value of the collateral or \$114.50.

WHEREFORE, REGIONAL ACCEPTANCE CORP. prays for an Order denying confirmation along with such further relief as the Court may deem proper.

REGIONAL ACCEPTANCE CORP.

By: /s/ Leonard N. Math

Of Counsel:
Chambless Math ❖ Carr, P.C.
P.O. Box 230759
Montgomery, Alabama 36123-0759
(334) 272-2230
lmath@chambless-math.com

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served on all attorneys of record as set forth below by electronic notice and/or depositing a copy thereof in the United States mail postage prepaid on this June 27, 2017.

SABRINA L. MCKINNEY
Chapter 13 Trustee
PO BOX 173
MONTGOMERY AL 36101

RICHARD D SHINBAUM
SHINBAUM & CAMPBELL
PO BOX 201
MONTGOMERY AL 36101

SARALYN PACE
4320 SUNNYBROOK DRIVE
MONTGOMERY AL 36108

/s/ Leonard N. Math